

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

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KATHY ECHEVVARIA,

Plaintiff,

Case No. 1:13-cv-04980-LAK-AJP

- against -

DIVERSIFIED CONSULTANTS, INC.,

Defendant.

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**DECLARATION OF ALAN J. SASSON, ESQ. IN RESPONSE TO DEFENDANT'S
OBJECTIONS TO MAGISTRATE PECK'S REPORT AND RECOMMENDATION
DATED FEBRUARY 28, 2014**

I, Alan J. Sasson, Esq., declare and state as follows:


1. I am an attorney associated with the Law Office of Alan J. Sasson, P.C., and represent the Plaintiff in this action. I submit this Declaration in response to the Defendant's objections to the Report and Recommendation of the Honorable Magistrate Peck, dated February 28, 2014.
2. On February 28, 2014, Magistrate Peck issued a 25-page Report which recommended that the Defendant's motion for summary judgment be denied and that the Plaintiff's cross-motion for summary judgment be granted. Magistrate Peck further found that the Defendant willfully violated the TCPA, and recommended that the Defendant pay enhanced damages for its willful violations of the TCPA.
3. On March 15, 2014, the Defendant emailed the undersigned its Objections to Magistrate Peck's Report.
4. Magistrate Peck has since found that Defendant's Objections were waived, as the Objections were not timely filed with the Court. *See*, Docket 42. On March 26, 2014, the

Defendant then filed a Letter Motion to have its Objections deemed timely filed. *See*, Docket 46.

5. Plaintiff takes no position as to the Defendant's motion, and does not anticipate opposing that motion, instead deferring the outcome of that Motion to this Court's discretion.
6. In the Defendant's objections, the Defendant argues that this action should be stayed as there are some pending Petitions before the FCC which may affect this action. Those arguments were already raised in the Defendant's Motion to Stay, which was denied by Magistrate Peck. *See*, Docket 42.
7. Rather than having to rehash the issues raised in the Defendant's Motion to Stay a second time in the instant Response to Defendant's Objections, the undersigned annexes hereto as Exhibit "A" the Plaintiff's Memorandum of Law which was to have been submitted in opposition to the Defendant's Motion to Stay.¹

I declare under the penalty of perjury and under the laws of the State of New York and the United States of America, that the foregoing is true and correct.

Dated: Brooklyn, New York
March 27, 2014



Alan J. Sasson, Esq.

¹ Magistrate Peck denied the Defendant's Motion to Stay before the undersigned had the opportunity to interpose this Memorandum in Opposition, and the Memorandum was never submitted before this Court.